

Notice of Allowability

Application No.

09/604,541

Examiner

Kambiz Zand

Applicant(s)

DEMELLO ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/18/2004.
2. ☒ The allowed claim(s) is/are 31 and 45, now re-numbered as claims 1 and 2.
3. ☒ The drawings filed on 06/27/2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>06/18/2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Examiner withdraws rejection of claim 10 under 35 U.S.C 112-second paragraphs due to cancellation of the claim by the applicant
4. Claims 1-30 and 32-44 have been cancelled.
5. Claim 31 has been amended.
6. New claim 45 has been added.
7. Claims 31 and 45, now re-numbered as claims 1 and 2 are pending.

Response to Arguments

8. Applicant's arguments filed 06/18/04 have been fully considered and they are persuasive.

Allowable Subject Matter

9. **Claims 31 and 45 are allowed.**
10. The following is an examiner's statement of reasons for allowance:
Tarpenning et al (Nuvomedia Inc (WO 00 21239 A) disclose computer-

readable medium having computer-executable instructions and a method of enabling the use of a first digital work on plural computing devices (fig. 1 where digital data 6 and 3 are used between devices), said method comprising the acts of: receiving from a first computing device, a user's credentials; authenticating said credentials by querying a namespace authority (see page 4, lines 17-23), providing a first activation codification to said first computing device (see page 4, line 23-30), and persisting an association between said credentials and at least some information included in said first activation certificate (see page 5, lines 1-6). Also see page 5, lines 1-6 and 11-24 where the authentication server or other codification authority is considered as a second computing device and where a new certificate such as a second codification is activated based on the sequence number of the user codification by adding the value.

Tarpenning et al.'s system and method singly or in combination are in contrast with specific steps of applicant's invention where said first data differs in at least some respect from said second data, wherein said first data comprises a first cryptographic key which enables the use of said item, said first data comprises a first cryptographic key which enables the use of said item, said first cryptographic key being included in said first data in a form encrypted by a second cryptographic key, and wherein said second data comprises first cryptographic key in form encrypted by a third cryptographic key different from said second cryptographic key, wherein said item comprises encrypted content and a decryption key

which decrypts said encrypted content, and wherein said decryption key is encrypted so as to be decryptable by said first cryptographic key, wherein said first data further comprises a fourth cryptographic key, wherein said second data further comprises said fourth graphic key wherein the first and fourth are a pair of asymmetric key and a first set of computer executable instructions are provided to said first computing device applying second cryptographic key and the second set applies by the third cryptographic key as recited in **independent claims 31 and 45**.

Conclusion

11. Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "comments on statement of reasons for allowance."
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned as (703)

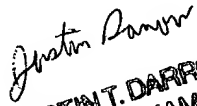
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872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

07/24/04


JUSTIN T. DARROW
PRIMARY EXAMINER